

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION AT DAYTON**

**CEDRIC CARTER,**

**Petitioner,**

**-vs-**

**Case No. 1:-98-cv-853**

**BETTY MITCHELL, Warden,**

**District Judge Thomas M. Rose**

**Respondent.**

**Chief Magistrate Judge Michael R. Merz**

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**ENTRY AND ORDER OVERRULING CEDRIC CARTER'S  
OBJECTIONS (Doc. #146) TO CHIEF MAGISTRATE JUDGE MICHAEL  
R. MERZ'S REPORT AND RECOMMENDATIONS (Doc. #143) AND  
ADOPTING CHIEF MAGISTRATE JUDGE MERZ'S REPORT AND  
RECOMMENDATIONS IN ITS ENTIRETY**

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This matter is before the Court pursuant to Petitioner Cedric Carter's ("Carter's")  
Objections (doc. #146) to the Report and Recommendations of Chief Magistrate Judge Michael  
R. Merz (doc. #143). The Report and Recommendations was filed on October 13, 2006, and  
Carter's Objections thereto were filed on November 13, 2006. The Report and  
Recommendations addresses Carter's Motion for Certificate of Appealability. (Doc. #140.)

The Warden filed a response to Carter's Objections (doc. #147) on November 27, 2006.  
Carter's Objections are, therefore, ripe for decision.

As required by 28 U.S.C. §636(b) and Federal Rules of Civil Procedure Rule 72(b), the  
District Judge has made a de novo review of the record in this case. Upon said review, the Court  
finds that Carter's objections to the Chief Magistrate Judge's Report and Recommendations are

not well-taken, and they are hereby OVERRULED. The Chief Magistrate Judge's Report and Recommendations is adopted in its entirety.

Therefore, Carter is denied a petition for a certificate of appealability on Causes of Action 1, 2, 3, 9, 28, 29, 30, 31, 32, 42, 45 and 50. Carter is, however, hereby granted a certificate of appealability on his Twenty-Seventh Cause of Action. Finally, the captioned cause is hereby ordered terminated upon the docket records of the United States District Court for the Southern District of Ohio, Western Division, at Dayton.

**DONE** and **ORDERED** in Dayton, Ohio, this 30<sup>th</sup> day of March, 2007.

**s/THOMAS M. ROSE**

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THOMAS M. ROSE  
UNITED STATES DISTRICT JUDGE